

105TH CONGRESS
1ST SESSION

H. R. 2195

To provide for certain measures to increase monitoring of products of the
People's Republic of China that are made with forced labor.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. SMITH of New Jersey (for himself, Mr. COX of California, Mr. GILMAN, Mr. SPENCE, Mr. SOLOMON, Mr. SHADEGG, Mr. MCINTOSH, Mr. ROHRABACHER, Mr. GIBBONS, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for certain measures to increase monitoring of
products of the People's Republic of China that are
made with forced labor.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Laogai Slave Labor
5 Products Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) The People’s Republic of China operates
2 and maintains an extensive forced labor camp sys-
3 tem—the Laogai.

4 (2) The Laogai is made up of more than 1,100
5 forced labor camps, with an estimated population of
6 6,000,000 to 8,000,000 prisoners.

7 (3) In one part of the Laogai system, known as
8 laojiao, or reeducation-through-labor, Chinese citi-
9 zens can be detained for up to 3 years without any
10 judicial review or formal appearance in the judicial
11 system.

12 (4) The Laogai is an integral sector of the ex-
13 port economy of the People’s Republic of China and
14 is engaged in the export to the United States of the
15 goods made by forced labor.

16 (5) The Government of the People’s Republic of
17 China actively promotes the forced labor camps by
18 employing a system of dual names for the camps to
19 deceive the international community.

20 (6) The United States Customs Service has
21 taken formal administrative action banning the im-
22 portation of 27 different products found to have
23 been made in the Laogai.

24 (7) Despite the fact that the People’s Republic
25 of China has entered into binding agreements with

1 the United States (the 1992 Memorandum of Un-
2 derstanding on Prison Labor, and the 1994 State-
3 ment of Cooperation on the Implementation of the
4 Memorandum of Understanding on Prison Labor) to
5 allow inspections of its forced labor camps to deter-
6 mine the origins of suspected Laogai imports to the
7 United States, the People's Republic of China has
8 frustrated the implementation of these agreements.

9 (8) The State Department's Human Rights
10 Country Reports in 1995 and 1996 each stated,
11 "Repeated delays in arranging prison labor site vis-
12 its called into question Chinese intentions regarding
13 the implementation of" the two agreements referred
14 to in paragraph (7).

15 (9) Concerning the ability of the United States
16 Customs Service to identify Communist Chinese
17 products that originate in the Laogai, Commissioner
18 of Customs George J. Weise stated in testimony be-
19 fore the Senate Foreign Relations Committee on
20 May 22, 1997: "We simply do not have the tools
21 within our present arsenal at Customs to gain the
22 timely and in-depth verification that we need."

1 **SEC. 3. AUTHORIZATION FOR ADDITIONAL CUSTOMS AND**
2 **STATE DEPARTMENT PERSONNEL TO MON-**
3 **ITOR EXPORTATION OF SLAVE LABOR PROD-**
4 **UCTS BY THE PEOPLE'S REPUBLIC OF CHINA.**

5 There are authorized to be appropriated for monitor-
6 ing by the United States Customs Service and the Depart-
7 ment of State of the exportation by the People's Republic
8 of China to the United States of products made with slave
9 labor, the importation of which violates section 307 of the
10 Tariff Act of 1930 or section 1761 of title 18, United
11 States Code, \$2,000,000 for fiscal year 1998 and
12 \$2,000,000 for fiscal year 1999.

13 **SEC. 4. REPORTING REQUIREMENT ON EXPORTATION OF**
14 **SLAVE LABOR PRODUCTS BY THE PEOPLE'S**
15 **REPUBLIC OF CHINA.**

16 (a) REPORT TO CONGRESS.—Not later than 1 year
17 after the date of the enactment of this Act and annually
18 thereafter, the Commissioner of Customs and the Sec-
19 retary of State shall each prepare and transmit to the
20 Congress reports on the manufacturing and exportation
21 of products made with slave labor in the People's Republic
22 of China.

23 (b) CONTENTS OF REPORT.—Each report under sub-
24 section (a) shall include information concerning the follow-
25 ing:

1 (1) The extent of the use of slave labor in man-
2 ufacturing products for exportation by the People's
3 Republic of China, as well as the volume of exports
4 of such slave labor products by that country.

5 (2) The progress of the United States Govern-
6 ment in identifying products made with slave labor
7 in the People's Republic of China that are destined
8 for the United States market in violation of section
9 307 of the Tariff Act of 1930 or section 1761 of
10 title 18, United States Code, and in stemming the
11 importation of those products.

12 **SEC. 5. RENEGOTIATION OF THE MEMORANDUM OF UN-**
13 **DERSTANDING ON PRISON LABOR WITH THE**
14 **PEOPLE'S REPUBLIC OF CHINA.**

15 It is the sense of the Congress that, since the People's
16 Republic of China has substantially frustrated the pur-
17 poses of the 1992 Memorandum of Understanding with
18 the United States on Prison Labor, the President should
19 immediately commence negotiations to replace the current
20 Memorandum of Understanding on Prison Labor with one
21 providing for effective monitoring of forced labor in the
22 People's Republic of China, without restrictions on which
23 prison labor camps international monitors may visit.

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